

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH BARTELLI,)
Plaintiff,)
) Civil Action No. 10-1629
v.)
) District Judge Joy Flowers Conti
PA DEPARTMENT OF CORRECTIONS;)
ET. AL,)
Defendants.)

ORDER

The above captioned case was initiated on December 7, 2010 when the Defendants removed the action from the Court of Common Pleas of Greene County. It was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The magistrate judge's report and recommendation (ECF No. 10), filed on January 19, 2011, recommended that this action be remanded back to the Court of Common Pleas of Greene County because: 1) from the face of the Complaint, the Plaintiff raised only state law issues, thus depriving this Court of subject matter jurisdiction; and 2) Plaintiff has three strikes under the PLRA. Plaintiff filed objections on February 1, 2011 (ECF No. 11) which do not raise federal claims or question the magistrate judge's determination that the Complaint raised only state law claims and the Plaintiff has three strikes under the PLRA. After a review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 4th day of February, 2011;

IT IS HEREBY ORDERED that this action be remanded back to the Court of Common Pleas of Greene County **FORTHWITH**.

IT IS FURTHER ORDERED that the report and recommendation (ECF No. 10) dated January 19, 2011, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Keith Bartelli
DX-0950
SCI Greene
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Waynesburg, PA 15370